

REMARKS

Claims 7-24 are pending in the present application. Applicants appreciatively note the Examiner's withdrawal of the previous indefinite rejection over claims 7-24. The only remaining issue is the Applicants submission of a Terminal Disclaimer to obviousness type double patenting rejection of claims 7-24 over claims 1-16 of U.S. 6,105,833.

Applicants respectfully submit that the remarks made herein overcome the Examiner's pending rejection thus placing the application in condition for allowance.

Nonstatutory Obviousness-Type Double Patenting

Claims 7-24 stand rejected under the judicially created doctrine of obviousness-type double patenting over claims 1-16 of U.S. 6,015,833. Applicants must respectfully disagree with the Examiner's conclusion.

However, in the interest of furthering their business interests and the prosecution of the present application, yet without acquiescing to the Examiner's rejection, Applicants herein submit a Terminal Disclaimer to overcome the pending rejection. Applicants note that "the filing of a terminal disclaimer simply serves the statutory function of removing the rejection of double patenting, and raises neither a presumption nor estoppel on the merits of the rejection." (*Quad Environmental Technologies Corp. v. Union Sanitary District*, 946 F.2d 870 (Fed. Cir. 1991)); MPEP §804.02 (II)). The curtesy copy of the Applicants' is attached hereto for the Examiner's reference at Appendix 2.

CONCLUSION

All grounds of rejection stated in of Final Office Action of November 20, 2002, having been addressed, reconsideration of the application is respectfully requested. It is respectfully submitted that the invention as claimed fully meets all patentability requirements and that the claims are worthy of allowance. Should the Examiner believe that a telephone interview would aid in the prosecution of this application, Applicants encourage the Examiner to call the undersigned collect at (608) 218-6900.

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